

JUDGE JONES

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF NEW YORK

07 CIV 8358

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RUBY SINGCO,

Plaintiff,

Civil Action No.:

- Against -

**NOTICE OF REMOVAL**

USF INSURANCE COMPANY,

Defendant.  
-----X

TO: The Honorable Judges of the  
United States District Court  
For the Southern District of New York

Petitioner-Defendant, USF INSURANCE COMPANY (hereinafter "USF"), by and through its attorneys, Morgan Melhuish Abrutyn, 39 Broadway, 35<sup>th</sup> Floor, New York, New York 10006, respectfully shows that:

1. USF is a defendant in the above-entitled action commenced by the above-named plaintiff in the Supreme Court of New York, New York County (Index Number 111417/07). A copy of the Complaint of which Petitioner-Defendant has had notice of is attached hereto. These constitute all process, pleadings, and orders of which Petitioner-Defendant has had notice.

2. Said action is a suit of a civil nature and the amount involved, exclusive of interest and costs, exceeds the sum of \$75,000.

3. The United States District Court has original jurisdiction over the subject matter of said civil action under 28 U.S.C. Section 1332(a) in that it is an action wherein the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs and there is complete

diversity of citizenship between the plaintiff and defendant and defendant is not a citizen of the State of New York:

(a) Plaintiff, RUBY SINGCO, is now, and was at the time of the commencement of this action, residing at 4405 Macnish Street, County of Queens, City of New York, State of New York, and by virtue of these facts was and is a citizen of the State of New York; and

(b) Defendant, USF, is now, and was at the time of the commencement of this action, incorporated in the State of Pennsylvania with its principal place of business located at 220 Kaufman Financial Center, 30833 Northwestern Highway, City of Farmington Hills, State of Michigan, and by virtue of these facts, is and was a citizen of the States of Pennsylvania and Michigan.

4. Said action is one of which the District Court of the United States is given original jurisdiction.

5. This Notice is being filed within thirty (30) days after notice of the Complaint to Petitioner-Defendant which took place on September 10, 2007 by receipt of the Summons and Complaint via mail and the time for filing this Notice under 28 U.S.C. Section 1446 has not expired.

6. Upon the filing of this Notice, Petitioner-Defendant will give written notice thereof to Plaintiff's attorney and will file copies of this Notice with the Clerk of the Supreme Court, New York County, as provided by law.

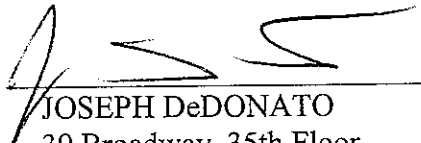
7. There is attached hereto a true and correct copy of all process and pleadings of which Petitioner-Defendant has had notice in said action.

**WHEREFORE**, Petitioner-Defendant prays that this case be removed from the Supreme Court of New York, New York County, to this Court and proceed in this Court as an action properly removed thereto.

Dated: September 20, 2007

**MORGAN MELHUISE ABRUTYN**

BY:

A handwritten signature in black ink, appearing to read 'J. DeDonato', is written over a horizontal line.

JOSEPH DeDONATO  
39 Broadway, 35th Floor  
New York, New York 10006  
(212) 809-1111  
Attorneys for Defendant  
USF INSURANCE COMPANY

455810

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK  
-----X  
RUBY SINGCO,

Plaintiff,

-against-

USF INSURANCE COMPANY,

Defendant.  
-----X

Index No.: 111417/07  
Date Purchased: 8/21/07  
**SUMMONS**

Plaintiffs designate  
New York County as  
the place of trial.

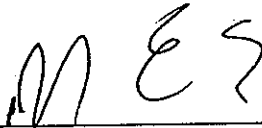
The basis of venue  
is: county where  
cause of action  
arose

Plaintiff resides  
at:  
4405 Macnish St.  
County of Queens

To the above named Defendants:

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
August 16, 2007

  
MARK E. SEITELMAN LAW OFFICES, P.C.  
Attorneys for Plaintiff  
111 Broadway, 9th Floor  
New York, NY 10006  
(212) 962-2626

TO: USF INSURANCE COMPANY  
220 Kaufman Financial Center  
30833 Northwestern Hwy.  
Farmington Hills, MI 48334

NEW YORK  
COUNTY CLERK'S OFFICE

AUG 21 2007

NOT COMPARED  
WITH COPY FILE

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
RUBY SINGCO,

Plaintiff,

-against-

VERIFIED COMPLAINT

USF INSURANCE COMPANY,

Defendant.

-----X

Plaintiff, by her attorneys MARK E. SEITELMAN LAW OFFICES, P.C., complaining of the Defendant, respectfully alleges, upon information and belief, as follows:

1. Plaintiff resides at 4405 Macnish Street, County of Queens, State of New York.
2. This action is brought pursuant to New York Insurance Law §3420 to recover from the defendant USF INSURANCE COMPANY ((hereinafter referred to as "USF"), the proceeds of a judgment (Exhibit "1") entered against one of its insureds as discussed below.
3. Defendant is an insurance company licensed in the State of New York as an admitted carrier.
4. Prior to April 5, 2002, USF issued a liability insurance policy to one Samuel S. Grunkorn insuring 508 9th Avenue, New York, New York.
5. On April 5, 2002, the aforesaid insurance policy was in full force and effect.

6. On April 5, 2002, plaintiff was injured when she tripped and fell on a defect on the sidewalk, alongside of, adjacent to and in front of 508 9th Avenue, New York, New York.

7. Plaintiff sustained serious personal injuries as a result of the above mentioned occurrence.

8. In October 25, 2002, plaintiff commenced an action against in Supreme Court, New York County under Index N<sup>o</sup> 123292/02, seeking damages for personal injuries.

9. Samuel S. Grunkorn failed to appear although duly served with process resulting in a judgment being entered against him on June 26, 2007, in the amount of EIGHTY THOUSAND SEVEN HUNDRED NINETEEN DOLLARS AND EIGHTY SEVEN (\$80,719.87) CENTS. A copy of the judgment is annexed hereto as Exhibit "1."

10. A copy of the judgment was served on USF and Samuel S. Grunkorn and more than 30 days have elapsed since said service.

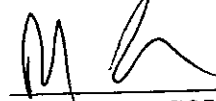
11. Pursuant to New York Insurance Law §3420, plaintiff demands that USF pay the proceeds of said judgment.

**WHEREFORE**, plaintiff demands judgment in her favor against the defendant in the amount of EIGHTY THOUSAND SEVEN HUNDRED NINETEEN DOLLARS AND EIGHTY-SEVEN (\$80,719.87) CENTS, together with interest

from the date of judgment and the costs and disbursements of this action.

Dated: New York, New York  
August 16, 2007

Yours, etc.,



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MICHAEL GOLDFARB  
MARK E. SEITELMAN LAW OFFICES, P.C.  
Attorneys for Plaintiff  
111 Broadway, 9th Floor  
New York, NY 10006  
(212) 962-2626

ATTORNEY'S VERIFICATION

**MICHAEL GOLDFARB**, an attorney duly admitted to practice before the Courts of the State of New York, affirms the following to be true under the penalties of perjury:

I am an attorney at MARK E. SEITELMAN LAW OFFICES, P.C., attorneys of record for plaintiff. I have read the annexed Complaint and know the contents thereof, and the same are true to my knowledge, except those matters therein which are stated to be alleged upon information and belief, and as to those matters I believe them to be true. My belief, as to those matters therein not stated upon knowledge, is based upon facts, records, and other pertinent information contained in my files.

The reason this verification is made by me and not plaintiff(s) is that plaintiff(s) is/are not presently in the county wherein the attorneys for the plaintiff(s) maintain their offices.

Dated: New York, New York  
August 16, 2007

A handwritten signature in dark ink, appearing to be 'MG' or similar initials, written over a horizontal line.

MICHAEL GOLDFARB